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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

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5 Attorneys for Plaintiff, MORELLI TAYLOR SPORTFISHING & MARINE
SUPPLY, LLC, a California Limited Liability Company d.b.a. LEO'S
6 SPORTFISHING

7
8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 MORELLI TAYLOR SPORTFISHING)
11 & MARINE SUPPLY, LLC, a)
California Limited Liability)
12 Company d.b.a. LEO'S)
SPORTFISHING,)

CASE NO:

C07 04947 HRL

MOTION FOR APPOINTMENT OF
SUBSTITUTE CUSTODIAN

13 Plaintiff,)
14)
15 vs.)

46 CFR § 67.250 et seq.

16 DAN ROBIN CATALANO, an)
individual, in personam;)
17 Unnamed Sailing Vessel,)
Hull #CFZ0237TC700 &)
18 CF #0237TP, in rem, and)
DOES 1-100, inclusive,)

19 Defendants.)
20)

21 MOTION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN

22 Pursuant to Local Admiralty Rule 9(1)(a), plaintiff, by and
23 through the undersigned attorney, represents the following:

24 1. On September 25, 2007, plaintiff initiated the above-
25 referenced action against the Unnamed Sailing Vessel, Hull
26 #CFZ0237TC700 & CF #0237TP, her boats, tackle, apparel, furniture
27 and furnishings, equipment, engines and appurtenances.

28 2. On September 25, 2007, the Clerk of the District Court

1 issued a Warrant of Arrest against the vessel, directing the U.S.
2 Marshal to take custody of the vessel, and to retain custody of
3 the vessel pending further order of this court.

4 3. Subsequent to the issuance of the Warrant of Arrest, the
5 marshal will take steps to immediately seize the vessel.
6 Thereafter, continual custody by the marshal will require the
7 services of at least one custodian at a cost of at least \$50 per
8 day.

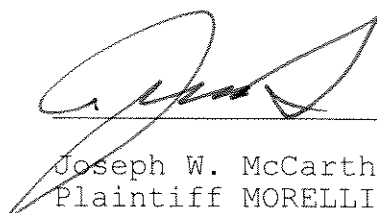
9 4. The vessel is berthed at the Santa Cruz Harbor, 135 5th
10 Avenue, Santa Cruz, California, and, subject to the approval of
11 the court, the substitute custodian is prepared to provide
12 security, wharfage, and routine services for the safekeeping of
13 the vessel at a cost substantially less than that presently
14 required by the marshal. The substitute custodian has also
15 agreed to continue to provide these services pending further
16 order of this court.

17 5. The substitute custodian has adequate facilities for the
18 care, maintenance, and security of the vessel.

19 6. Concurrent with the court's approval of this motion,
20 plaintiff and the substitute custodian will file a consent and
21 indemnification agreement in accordance with Local Admiralty Rule
22 9(1)(c).

23 WHEREFORE, in accordance with the representations set forth
24 in this instrument, and subject to the filing of the
25 indemnification agreement noted in Paragraph 6 above, plaintiff
26 requests that this court enter an order appointing the Harbor
27 Master of Santa Cruz Harbor as the substitute custodian for the
28 Unnamed Sailing Vessel, Hull #CFZ0237TC700 & CF #0237TP.

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2 DATED: September 25, 2007



3 Joseph W. McCarthy, Attorney for
4 Plaintiff MORELLI TAYLOR
5 SPORTFISHING & MARINE SUPPLY, LLC,
6 a California Limited Liability
7 Company d.b.a. LEO'S SPORTFISHING
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